

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance
(916) 322-5662

• • Administration
322-5660

• • Executive/Legal
322-5901

• • Enforcement
322-6441

October 29, 1984

Bert Glennon, Jr.
City Attorney
9770 Culver Boulevard
Culver City, CA 90230

Re: Advice Letter No. A-84-272

Dear Mr. Glennon:

I am writing in response to your question as to whether my January 6, 1984, advice is altered by the changes made to Government Code Section 84308 in AB 2992. I have included copies of my advice letter to you and the bill. AB 2992 is designed to clarify Section 84308. There are no changes which alter my previous advice to you.

Very truly yours,

Janis Shank McLean

Janis Shank McLean
Staff Attorney
Legal Division

JSM:plh
Enclosures

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest
(916) 322-3662 322-3660 322-3901 322-6441 322-6444

January 6, 1984

Bert Glennon, Jr.
City Attorney
9770 Culver Boulevard
Culver City, CA 90230

Re: Advice Letter No. A-83-271

Dear Mr. Glennon:

Thank you for your request for advice on Government Code Section 84308(a).^{1/} This section provides that:

No ... appointed officer . . . who serves on a quasi-judicial . . . commission, other than those governmental bodies specified in subdivision (d),^{2/} shall accept, solicit, or direct^{3/} a contribution of two hundred fifty dollars (\$250) or more, from any person, or his or her agent, who has an application for a license, permit, or other entitlement for use pending before any body of which the officer . . . is a member and for three months following the date a decision is rendered on the application or from any person, or his or her agent, who actively supports or opposes the application; provided, however, that the officer . . . knows or has reason to know that the person who supports or opposes the application has a financial

^{1/} Hereinafter all statutory references are to the Government Code unless otherwise indicated.

^{2/} Section 84308(d) states:

Legislative bodies such as city councils, county boards of supervisors, and the State Legislature while acting as a body or a committee thereof are exempted from the coverage of this section....

^{3/} These terms are explained in the enclosed copy of 2 Cal. Adm. Code Section 18438.6.

Bert Glennon, Jr.
January 6, 1984
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interest.... This prohibition shall apply regardless of whether the officer . . . accepts, solicits, or directs the contribution for himself . . . or on behalf of any other officer, alternate, or candidate for office.

In your letter, you asked whether Section 84308(a) allows a planning commissioner to accept a contribution on behalf of a councilmember if the contributor is an applicant before the planning commission. The planning commissioner is the campaign manager for the councilmember. You asked whether the officer might be allowed to accept the contribution because it is on behalf of a candidate who is seeking a position that is exempt under Section 84308(d).

The prohibitions of Section 84308 apply to contributions accepted, solicited, or directed, for the officer, himself, or on behalf of any other candidate for office. There is no exception for contributions to candidates for positions specified in Section 84308(d). Similarly, the regulation defining "solicited" and "directed" does not contain such an exception. (2 Cal. Adm. Code Section 18438.6.) Thus, you are correct in concluding that the planning commissioner may not solicit or direct a contribution on behalf of a councilmember.

Assuming that the planning commissioner does not solicit or direct the contribution, Section 84308 does not prevent an applicant before the Planning Commission from making a direct contribution to the city councilmember, even though the planning commissioner/campaign manager may be aware of it.

If you have any additional questions, please feel free to contact me at (916) 322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Counsel
Legal Division

JSM:plh
Enclosures